

**In the Claims** (clean copy as amended)

1. (Twice Amended) An isolated nucleic acid molecule that regulates the expression of a cold shock inducible gene under physiological conditions which cause the cold shock response in a bacterium, wherein said isolated nucleic acid molecule is mediated by a portion of a 5'-UTR of the cold shock inducible gene or a substantially homologous sequence thereof.

3. (Twice Amended) The isolated nucleic acid molecule of Claim 1, wherein 5'-UTR is a 5'-UTR of a cold-shock inducible gene selected from the group consisting of *cspA*, *cspB* and *csdA*.

5. (Twice Amended) The nucleic acid molecule of Claim 3, wherein said 5'-UTR comprises nucleotides +1 to +11 of the *cspA* 5'-UTR (nucleotides 1 to 11 of SEQ. ID. NO. 55) or a nucleotide sequence having substantial homology to nucleotides +1 to +11 of the *cspA* 5'-UTR (nucleotides 1 to 11 of SEQ. ID NO. 55).

6. (Twice Amended) The isolated nucleic acid molecule of Claim 1, wherein said cold shock inducible gene interacts with CspA protein.

7. (Twice Amended) An isolated nucleic acid molecule that represses the expression of a cold shock inducible gene under physiological conditions.

8. (Twice Amended) The isolated nucleic acid molecule of Claim 7, comprising at least a portion of the 5'-UTR of a cold shock inducible gene.

9. (Twice Amended) The isolated nucleic acid molecule of Claim 8, wherein said cold-shock inducible gene is selected from the group consisting of *cspA*, *cspB*, and *csdA*.

11. (Twice Amended) A non-coding nucleic acid molecule that enhances the translation of a cold shock inducible gene under conditions that elicit the cold shock response of a bacterium.

12. (Twice Amended) The nucleic acid molecule of Claim 11 comprising at least a portion of the 5'-UTR of a cold shock inducible gene.

13. (Twice Amended) The nucleic acid molecule of Claim 12 wherein said cold shock inducible gene is selected from the group consisting of *cspA*, *cspB*, and *csdA*.

14. (Thrice Amended) The nucleic acid molecule of Claim 13, comprising nucleotides +123 to +135 of the *cspA* 5'-UTR (nucleotides 123 to 135 of SEQ. ID. NO. 55) or a nucleotide sequence having substantial homology to nucleotides +123 to +135 of the *cspA* 5'-UTR (nucleotides 123 to 135 of SEQ. ID. NO. 55).

15. (Twice Amended) The nucleic acid molecule of Claim 14 comprising a sequence selected from the group consisting of SEQ ID NO:48, SEQ ID NO:49, and SEQ ID NO:50.

**Please cancel Claim 2 without prejudice or without disclaimer of the subject matter contained therein.**

Please add the following new Claim 57:

57. (New) An isolated nucleic acid molecule component to prolong the expression of a cold shock gene during abatement of a bacterium to physiological stress which elicits a cold shock response, said nucleic acid molecule comprising at least 8 of the first 25 nucleotides of a 5'-UTR with a cold shock inducible mRNA transcript, and a promoter active under conditions of physiological stress to induce said cold shock response in said bacterium.